

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-EIGHTH LEGISLATURE

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**SIXTY-SIXTH LEGISLATIVE DAY**  
**WEDNESDAY, MARCH 16, 2005**

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Brandt, Burkett, Gannon, Little, Malepeai, and Pearce, absent and excused. [District 21 seat vacant.]

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Chad Reiser, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senator Little was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 15, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Burkett, Gannon, Malepeai, and Pearce were recorded present at this order of business.

March 16, 2005

The JUDICIARY AND RULES Committee reports that **S 1200, S 1201, S 1202, S 1203, S 1204, S 1205, S 1206, S 1207, S 1208, and SJM 110** have been correctly printed.

DARRINGTON, Chairman

**S 1200, S 1202, S 1203, S 1204, S 1205, S 1206, S 1207, and S 1208** were referred to the Finance Committee.

**S 1201** was referred to the State Affairs Committee.

**SJM 110** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 15, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **S 1002, S 1005, S 1006, S 1007, S 1013, S 1014, S 1015, S 1016, S 1023, S 1050, S 1059, S 1066, S 1083, S 1090, S 1091, S 1110, and S 1141** were delivered to the Office of the Governor at 2:40 p.m., March 15, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 15, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **SJM 102, SJM 103, SJM 104, SJM 105, SCR 107, and SCR 112** were delivered to the Office of the Secretary of State at 10:27 a.m., March 15, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 15, 2005

The FINANCE Committee reports out **H 309** with the recommendation that it do pass.

CAMERON, Chairman

**H 309** was filed for second reading.

March 15, 2005

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 88, H 72, H 73, and H 74** with the recommendation that they do pass, and with the recommendation that they be placed on the Consent Calendar.

ANDREASON, Chairman

**H 88, H 72, H 73, and H 74** were filed for second reading.

March 16, 2005

The FINANCE Committee reports out **S 1200, S 1202, S 1203, S 1204, S 1205, S 1206, S 1207, and S 1208** with the recommendation that they do pass.

CAMERON, Chairman

**S 1200, S 1202, S 1203, S 1204, S 1205, S 1206, S 1207, and S 1208** were filed for second reading.

March 15, 2005

The TRANSPORTATION Committee reports out **S 1189, H 182, H 178, H 185**, as amended, and **H 40** with the recommendation that they do pass.

BRANDT, Chairman

**S 1189, H 182, H 178, H 185**, as amended, and **H 40** were filed for second reading.

March 15, 2005

The AGRICULTURAL AFFAIRS Committee reports out **H 38** with the recommendation that it do pass.

WILLIAMS, Chairman

**H 38** was filed for second reading.

March 16, 2005

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 99** and **H 264** with the recommendation that they do pass.

BUNDERSON, Chairman

**H 99** and **H 264** were filed for second reading.

March 15, 2005

The EDUCATION Committee reports out **H 202** with the recommendation that it do pass.

GOEDDE, Chairman

**H 202** was filed for second reading.

March 15, 2005

The EDUCATION Committee reports out **S 1170** and **S 1147** with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, **S 1170** and **S 1147** were referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

March 15, 2005

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

**S 1162**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

March 15, 2005

Mr. President:

I transmit herewith **H 316** and **H 319** which have passed the House.

JUKER, Chief Clerk

**H 316** and **H 319** were filed for first reading.

March 15, 2005

Mr. President:

I return herewith **S 1142**, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Langhorst, granted by unanimous consent, **S 1142**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

March 15, 2005

Mr. President:

I return herewith **S 1175, S 1176, S 1177, S 1178, S 1054, S 1137, S 1069, S 1071**, as amended, **S 1072, S 1073, S 1030, S 1149, S 1008, S 1009, S 1010, S 1038, S 1055, S 1100, S 1114, S 1125, S 1052, S 1039**, as amended, **S 1040, S 1064, S 1065, S 1067, S 1053, S 1068**, as amended, **S 1084, S 1126, S 1056**, and **S 1081** which have passed the House.

JUKER, Chief Clerk

**S 1175, S 1176, S 1177, S 1178, S 1054, S 1137, S 1069, S 1071**, as amended, **S 1072, S 1073, S 1030, S 1149, S 1008, S 1009, S 1010, S 1038, S 1055, S 1100, S 1114, S 1125, S 1052, S 1039**, as amended, **S 1040, S 1064, S 1065, S 1067, S 1053, S 1068**, as amended, **S 1084, S 1126, S 1056**, and **S 1081** were referred to the Judiciary and Rules Committee for enrolling.

March 15, 2005

Mr. President:

I transmit herewith Enrolled **H 278, H 125, H 120, H 89, H 90, H 136, H 141, H 235, H 144, H 181, H 111, H 112, H 114, H 115, H 116, H 117, H 118, H 119, H 16, H 95, H 96, H 128, and H 155** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 278, H 125, H 120, H 89, H 90, H 136, H 141, H 235, H 144, H 181, H 111, H 112, H 114, H 115, H 116, H 117, H 118, H 119, H 16, H 95, H 96, H 128, and H 155** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

The President announced that the House amendments to **S 1142**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1142**, as amended in the House?"

On request by Senator Langhorst, granted by unanimous consent, the Senate concurred in the House amendments to **S 1142**, as amended in the House.

**S 1142**, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

On request by Senator Davis, granted by unanimous consent, **SJM 110** was referred to the State Affairs Committee.

Senator Brandt was recorded present at this order of business.

The President announced that **SCR 111**, having been held, was before the Senate for final consideration.

Moved by Senator Marley, seconded by Senator Burkett, that **SCR 111** be adopted. The question being, "Shall the resolution be adopted?"

Roll call vote was requested by Senators Burkett, Langhorst, and Marley.

Pursuant to Senate Rule 39(H), Senator Keough disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Broadsword, Burkett, Coiner, Corder, Darrington, Gannon, Kelly, Keough, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 15.

NAYS--Brandt, Bunderson, Burtenshaw, Cameron, Compton, Davis, Geddes, Goedde, Hill, Jorgenson, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 19.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared that the Senate had failed to adopt **SCR 111** and ordered the resolution filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1209

#### BY FINANCE COMMITTEE

#### AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO SALARIES.

**S 1209** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 316**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

**H 319**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**S 1174**, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1160**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**H 302, H 303, H 304, and H 305**, by Appropriations Committee, were read the second time at length and filed for third reading.

**H 94**, as amended, and **H 157**, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

**H 67, H 132, and H 133**, by Resources and Conservation Committee, were read the second time at length and filed for third reading.

**H 229**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 18 and H 231**, by Education Committee, were read the second time at length and filed for third reading.

**H 17**, by Education Committee, was read the second time at length and filed for third reading. Consent Calendar.

**S 1193, S 1194, and S 1195**, by Finance Committee, were read the second time at length and filed for third reading.

**H 140**, as amended in the Senate, and **H 200**, as amended in the Senate, by Business Committee, were read the second time at length and filed for third reading.

**S 1163**, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1164**, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**S 1158**, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1171**, as amended, by Finance Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **H 296**, **H 297**, and **H 64** retained their place on the Third Reading Calendar for one legislative day.

**S 1183** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Moved by Senator Werk, seconded by Senator Kelly, that **S 1183** be referred to the Fourteenth Order of Business for amendment. The question being, "Shall the motion prevail?"

Roll call was requested by Senators Werk, Langhorst, and Kelly.

Roll call resulted as follows:

AYES--Brandt, Burkett, Kelly, Langhorst, Little, Malepeai, Marley, Schroeder, Werk. Total - 9.

NAYS--Andreason, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 24.

Absent and excused--Stennett. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President announced that the motion did not prevail. The question being, "Shall **S 1183** pass?"

Pursuant to Senate Rule 39(H), Senator Little disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough,

Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 30.

NAYS--Brandt, Hill, Pearce, Williams. Total - 4.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1183** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **H 152**, **H 153**, and **H 154** were placed at the head of the Third Reading Calendar.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 1 p.m. until the hour of 4:30 p.m. of this day.

### RECESS AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Coiner, Darrington, Kelly, Keough, Malepeai, McGee, Stennett, and Werk, absent and excused.

Prior to recess the Senate was at the Thirteenth Order of Business, Third Reading of Bills.

Senators Coiner, Darrington, Kelly, Keough, Malepeai, McGee, Stennett, and Werk were recorded present at this order of business.

**H 152** was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes and Senator Burtenshaw arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Burtenshaw disclosed a possible conflict of interest under applicable law.

Pursuant to Senate Rule 39(H), Senator Stennett disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 27.

NAYS--Brandt, Broadsword, Malepeai, Marley, McKenzie, Pearce, Sweet. Total - 7.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 152** passed, title was approved, and the bill ordered returned to the House.

**H 153** was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 29.

NAYS--Brandt, Broadsword, McKenzie, Pearce, Sweet. Total - 5.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 153** passed, title was approved, and the bill ordered returned to the House.

**H 154** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Burtenshaw and Stennett arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 29.

NAYS--Brandt, Broadsword, McKenzie, Pearce, Sweet. Total - 5.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 154** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate Finance bills were placed at the head of the Third Reading Calendar, followed by House Appropriations bills, followed by **S 1165** and **S 1164**, as amended, followed by remaining Senate bills, House bills amended in the Senate, and remaining House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6:40 p.m. until the hour of 9:30 a.m., Thursday, March 17, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary